

## SANCTUARY FROM OFFICIAL VIOLATION OF RIGHTS ORDINANCE

*A Rights-Based Ordinance Reaffirming and Securing Fundamental Civil Rights Within [Municipality], By Enacting a Community Bill of Rights that Prohibits Government Profiling, Targeting, Discrimination, or Deportation based solely on Perceived or Actual Immigration Status and Religious Belief*

**Whereas**, the people and local government of [Municipality] are opposed to political and civil persecution based on a person's actual or perceived immigration status and religious beliefs, and accept that it is the duty of the people of [Municipality] to resist unjust and illegitimate attempts to suppress fundamental human rights; and

**Whereas**, President Donald Trump has repeatedly made it known that he will marshal federal resources to detain and deport immigrants from the United States with little to no regard for fundamental rights, due process and equal protection of the law, nor an individual's personal circumstances, such as refugee or asylum eligibility; and

**Whereas**, President Donald Trump has suggested the creation of a system of official registration which would require the disclosure and identification of people's religious or other beliefs; and

**Whereas**, the people and local government of [Municipality] will not participate in nor allow the profiling, targeting, detention, or deportation of any individual by any governmental entity on the basis of perceived or actual immigration status, heritage, religion, beliefs, ethnicity, or race without sworn evidence of criminal actions and a warrant; and

**Whereas**, the people and local government of [Municipality] will not abide by any laws requiring the disclosure and identification of people's religious or other beliefs, as those laws harken back to dark periods in history, when people of Jewish and other faiths were required to identify themselves by wearing badges and by carrying special identification.

**Therefore**, we the people and local government of [Municipality] hereby exercise our inherent and inalienable right of local community self-government to adopt the Sanctuary from Official Violation of Rights law, in order to secure and enforce fundamental human rights in [Municipality].

### Section 1 – Statements of Law – A Bill of Rights

(a) Right to be Free from Unwarranted Government Persecution. All people within the jurisdiction of [Municipality] have an inherent, fundamental, and unalienable right to be free from judicially unwarranted profiling, targeting, detention, and deportation on the basis of race, ethnicity, heritage, religion, beliefs, or immigration status by any governmental entity. This right shall apply to those who are profiled or targeted based on perceived or actual immigration status including those people with non-violent or non-felony records or pending charges.

(b) Right to be Free from Religious Discrimination. All people within the jurisdiction of [Municipality] have an inherent, fundamental, and unalienable right to be free from any discrimination on the basis of religious or other beliefs. "Discrimination on the basis of religious or other beliefs," for purposes of this law, includes any local,

state, or federal legal requirement that individuals identify themselves as members of a particular religious faith, or identify themselves as members of any group with a particular set of religious or other beliefs.

(c) Right of Local Community Self-Government. The people of [Municipality] possess both a collective and individual right of self-government in their local community, a right to a system of government that embodies that right, and the right to a system of government that protects and secures their human, civil, and collective rights.

(d) Rights as Self-Executing. All rights secured by this law are self-executing, and further implementing legislation shall not be required for [Municipality] or the residents of [Municipality] to enforce the rights and prohibitions recognized by this law.

## **Section 2 – Enforcement**

(a) It shall be unlawful for any government or governmental agency at the local, state, or federal level, including but not limited to, Immigration and Customs Enforcement and other agencies under the United States Department of Homeland Security to violate the rights recognized and secured by this law.

(1) Any federal law enforcement officer whose duties include immigration enforcement, or any agent of such an officer, who enters [Municipality] in the performance of his or her duties, is guilty of Attempted Kidnapping by the State, which shall be recognized and punished as a misdemeanor. A federal law enforcement officer is presumed to be performing his or her immigration enforcement duties unless the officer has provided local law enforcement, in writing and prior to entering [Municipality], an explanation of the reason for the officer's presence in [Municipality], including relevant warrants.

(2) Any federal law enforcement officer who detains or arrests a person in [Municipality] for immigration violations or for criminal violations related to immigration status (such as unlawful reentry, 8 U.S.C. § 1326), or any agent of such an officer, is guilty of Kidnapping by the State, which shall be recognized and punished as a gross misdemeanor.

(b) Local law enforcement, including informants and volunteers, is prohibited from assisting state or federal authorities in the profiling, targeting, detention, or deportation of perceived or actual undocumented individuals including those people with non-violent or non-felony records or pending charges. This prohibition includes, but is not limited to:

(1) enforcing federal immigration laws (including 8 U.S.C. § 1326) or Immigration and Custom Enforcement detainers, or providing any information or support to federal officials that could facilitate such enforcement;

(2) judicially unwarranted (including the use of informants) monitoring or investigating of individuals or organizations (including houses of worship) because of their religious views, or political expression;

(3) collecting or retaining information about the activities of individuals or organizations without probable cause that those activities relate to a crime, or using information collected through mass-surveillance;

(4) requesting identification by any person unless supported by reasonable suspicion of a crime, and law enforcement shall not inquire about a person's citizenship or immigration status;

(5) pursuing, engaging in, or supporting electronic or physical surveillance, unless supported by a judicial warrant based on probable cause and specific to the time, place, and target of such surveillance;

(6) sharing arrest data (including fingerprints) with state or federal counterparts (including the Federal Bureau of Investigations) unless the data relates to suspected violent felonies.

(c) *[Municipality]*, or any resident of *[Municipality]*, may enforce the rights and prohibitions of this law through an action brought in any court possessing jurisdiction over activities occurring within *[Municipality]*. In such an action, *[Municipality]* or the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(d) If *[Municipality]* fails to enforce or defend this law, or a court fails to uphold this law, any person or organization may enforce this law through nonviolent direct action. If nonviolent direct action is taken, including but not limited to providing sanctuary in private homes, churches, or businesses, to enforce the provisions of this law, law enforcement personnel employed by *[Municipality]* shall be prohibited from arresting or detaining persons directly enforcing this law or to prosecute organizations who provide sanctuary. "Nonviolent direct action" as used by this provision shall mean any activities carried out to directly enforce the prohibitions of this law.

(e) All laws adopted by the legislature of *[State]*, executive orders issued by the President of the United States, laws adopted by the United States Congress, and all state and federal judicial rulings shall be the law of *[Municipality]* only to the extent that they do not violate the rights or prohibitions of this law. Where state or federal law is more protective of human rights than this local law, the state or federal law controls.

### **Section 3 – Interpretation**

Any reviewing court must liberally interpret this law's provisions to achieve the goals stated in the preamble.

### **Section 4 – Severability**

The provisions of this law are severable. If any court decides that any section, clause, sentence, part, or provision of this law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the law. This law would have been enacted without the invalid sections.

### **Section 5 – Repealer**

All inconsistent provisions of prior laws adopted by the *[Municipal Government]* are hereby repealed, but only to the extent necessary to remedy the inconsistency.

### **Section 6 – Notice**

The [city executive official] shall send copies of this ordinance to all cooperating law enforcement agencies and adjacent local governments, our state legislative representatives and senators, the state attorney general, the state governor, our United States Congressional representatives and senators, the United States Attorney General, and the President of the United States.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by *[Municipality]*.